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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,669

06/12/2006

Kotaro Shima

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EXAMINER

MACARTHUR, VICTOR L

ART UNIT

PAPER NUMBER

3679

MAIL DATE

DELIVERY MODE

04/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,669	<b>Applicant(s)</b> SHIMA, KOTARO	
	<b>Examiner</b> VICTOR MACARTHUR	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/12/2006</u> .   | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform to current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Take for instance the following examples:

- The term “the spherical center” (line 3 of claim 1) lacks proper antecedent basis.
- Regarding the limitation “characterized” (line 4 of claim 1), it is unclear if applicant intends claim 1 to be a Jepson format claim. If so, proper Jepson format has not been employed.
- It is unclear if the limitation “elastic deformation allowing means for allowing” (lines 4-5 of claim 1) is meant to be a means-plus-function limitation invoking 112 6<sup>th</sup> paragraph. If the applicant intends to invoke 35 U.S.C. 112 6<sup>th</sup> paragraph, then the claim limitations should be amended to comply with MPEP section 2181(I) such that:
  - the claim limitations must only use the phrase “means for” or “step for” (by way of example, the “elastic deformation means” in line 4 of claim 1 is not proper);

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- the "means for" or "step for" must only be modified by functional language (by way of example, the "elastic deformation means" in line 4 of claim 1 is not proper);
- the phrase "means for" or "step for" must not be modified by sufficient structure, material or acts for achieving the specified function. By way of example the following are not proper: "elastic deformation means" (line 4 of claim 1); "in a region corresponding to the elastic deformation allowing means" (line 6 of claim 1); "by means of the elastic deformation allowing means" (lines 3-4 of claim 2); "comprises a plurality of slits" (claims 3 and 4); etc.
- The term "the rotational direction" (line 5 of claim 1) lacks proper antecedent basis.
- The term "the center axis of the shaft portion" (lines 5-6 of claim 1) lacks proper antecedent basis.
- It is unclear how "the ball stud rotates about the center axis [of the shaft portion]" (lines 8-9 of claim 1). Does the applicant mean to say the spherical center? If not how does the stud rotate about a portion of the shaft?
- The term "the region" (line 10 of claim 1) lacks proper antecedent basis.
- It is unclear if the term "a larger frictional engagement force" (lines 10-11 of claim 1) are meant to refer to the previously set forth limitation "frictional engagement force... is made greater" (line 7 of claim 1) or to another force distinct therefrom. If to another, then which is greater and/or larger?

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- The terms “large” (line 2 of claim 2; line 4 of claim 2) and “small” (line 2 of claim 2; line 6 of claim 2) are relative and thus unclear.
- It is unclear if the term “a region” (line 2 of claim 2) is meant to a previously set forth region (e.g., that in line 6 of claim 1) or another distinct region.
- It is unclear what the term “means of the elastic deformation allowing means” is meant to convey. Are these to separate means? Are any meant to invoke 112 6<sup>th</sup>?
- It is unclear if the limitation “a material” line 4 of claim 2 is meant to refer to the previously set forth “materials” (line 2 of claim 2) or to an additional material.
- It is unclear if the term “a region” (line 7 of claim 2) is meant to a previously set forth region (e.g., that in line 6 of claim 1) or another distinct region.
- It is unclear if the term “the material of large friction coefficient” (line 8 of claim 2) refers to the recitation of line 2 or line 4 of claim 2.
- It is unclear if the term “the material of small friction coefficient” (line 10 of claim 2) refers to the recitation of line 2 or line 4 of claim 2.

For the reasons mentioned above a great deal of confusion and uncertainty exists as to the proper interpretation of the claim limitations. In accordance with the MPEP § 2173.06, rejection under 35 U.S.C. 102 or 35 U.S.C. 103 follows based on the examiner’s best understanding of the claim scope. The applicant is strongly urged to amend the entirety of the claims **(not only the examples listed above)** to conform to current U.S. practice.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Umemoto (U.S. Patent 4,690,581).

Umemoto appears to disclose all of the applicants elected claim limitations as best understood by the examiner (see 35 U.S.C. § 112 2<sup>nd</sup> paragraph rejections above).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

April 11, 2008

/Victor MacArthur/  
Primary Examiner, Art Unit 3679